

**THE  
JOURNAL  
OF THE  
HOUSE OF BURGESSSES  
1749**





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The Journal of the House of  
Burgesses, of the Province of

OV-N.C./RECORDS/JOU



*The*  
JOURNAL  
*of the*  
HOUSE OF BURGESSES,  
*of the*  
PROVINCE OF NORTH-CAROLINA,  
1749

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Reproduced in Facsimile  
In Celebration of the 200th Anniversary  
*of*  
The Establishment of the Printing Press  
*in*  
North Carolina

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*With an Introduction by*  
WILLIAM S. POWELL

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Raleigh  
STATE DEPARTMENT OF ARCHIVES AND HISTORY  
1949



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## PREFACE

*The Journal of the House of Burgesses, of the Province of North-Carolina* (1749), the first known North Carolina imprint, is reproduced through an arrangement between The Graphic Press, Inc., of Raleigh and the State Department of Archives and History. One thousand copies are being issued by the Department.

The original idea of celebrating the two hundredth anniversary of printing in North Carolina by reproducing this first imprint is that of Mr. William S. Powell, Researcher for the Department, who has prepared the useful introduction that follows. Mr. D. L. Corbitt, head of the Department's Division of Publications, has seen the material through the press. Mr. Andrew M. Beck and the staff of The Graphic Press, Inc., have been most cooperative in making possible the issuance of the publication.

For suggestions in the preparation of the introduction a special word of appreciation is due to Miss Marjorie Gray Wynne of the Rare Book Room, Yale University Library, to Mr. John Cook Wyllie, Curator of Rare Books at the University of Virginia, to Miss Mary L. Thornton of the North Carolina Collection, University of North Carolina Library, and to Mr. Lawrence C. Wroth, Librarian of the John Carter Brown Library.

Christopher Crittenden, *Director*  
*State Department of Archives and History.*

June 24, 1949





The  
JOURNAL  
of the  
HOUSE of BURGESSES,  
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Province of NORTH-CAROLINA



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## INTRODUCTION

Nineteen hundred and forty-nine is an important anniversary year in the annals of printing. While North Carolina this year is marking the bicentennial of printing within her borders, other anniversaries are being celebrated elsewhere. Printing is believed to have been introduced into the New World in Mexico City 410 years ago and into English-speaking North America 100 years later when Stephen Daye set up his shop in Cambridge, Massachusetts. The year 1949 also marks the 400th anniversary of the printing of the Book of Common Prayer in England, the 240th anniversary of the printing press in Connecticut, the 160th in what is now the District of Columbia, the 130th in Arkansas, the 110th in Idaho, the 100th in Minnesota and Utah, and the 90th in Arizona and Colorado.

To celebrate the 200th anniversary of the printing of the first book in North Carolina, that first product of the first press in this colony is here reproduced as nearly like the original as modern processes will allow. The only known copy of the work is the one now in the Public Record Office, London, and it is from that copy that this facsimile has been made.

## THE FIRST PRINTER

North Carolina's first printer was James Davis and the story of his progress from the establishment of the press in June, 1749, until May, 1782, when his son took over, is the story of the first three decades of the press in North Carolina. During that period there were four other printers and at least two other presses, but by persistence and faithfulness Davis succeeded where they failed.

Almost nothing is known of the early years of James Davis. He was born in Virginia, October 21, 1721, and in 1745 was living in Williamsburg. It has been said that he received early training under Benjamin Franklin, but proof of that is wanting. More probably Davis worked with William Parks, the Williamsburg printer, who established Virginia's first newspaper. There he may have come in contact with Franklin, who in 1743 encouraged and actively aided Parks in building the first paper mill south of Pennsylvania.

## THE FIRST PRESS

The press came late to North Carolina; nine others of the thirteen colonies had received it earlier. The need for more accurate copies and wider distribution of the laws of the colony was the immediate cause of its introduction. The proceedings of the North Carolina House of Burgesses in 1740 were printed at Williamsburg, and in 1745 John Hodgson offered in the Assembly a bill to "Enable and Encourage the persons hereinafter mentioned to print the laws of this Province," but his bill failed to pass. Many times it was urged that the laws of North Carolina be revised and printed, but without results. In 1736 Governor Gabriel Johnston had called the matter to the attention of the Assembly, and again in 1739, and still again in 1740. Once more, in 1744, he reminded the Assembly of "the shameful condition" of the laws.

In many cases the copies of the laws in use at county courts were handwritten copies laboriously prepared by clerks. Seldom, it was reported, were there two copies in agreement. In 1746 the Assembly decided to take steps to remedy this situation, and an act was passed appointing commissioners to "Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum and distilled Liquors and Rice imported into this Province. . . . For want of the Laws of this Province being revised and printed," it was pointed out, "the Magistrates are often at a loss how to discharge their Duty, and the People transgress many of them through want of knowing the same."

A commission composed of Edward Moseley, Samuel Swann, Enoch Hall, and Thomas Barker was duly appointed. In addition to the duty levied in the act authorizing their appointment, the commissioners were allowed £100 more for printing, furnishing, and delivering the books. They also were granted the exclusive right of selling the volumes for five years but were not to charge more than twenty shillings a volume. The laws were completed in 1749, laid before the Assembly, duly confirmed, and declared to be in force. Swann alone seems to have been responsible for most of the work in revising the laws, however, for in his prefatory dedication to Governor Johnston he records: "Col. Moseley, the other Commissioner concerned with me, in the Collecting, Compiling, Revising, and Printing the Laws in force in this Province, being dead, I alone beg Leave to Dedicate Them to Your Excellency, as their Patron and Protector."

As the editorial work on this project neared completion it became evident that the services of a printer soon would be needed. James Davis seems to have sought the position at least to the extent of submitting a sample of his work. On April 6, 1749, Rufus Marsden of New Hanover County introduced a bill for the "encouragement" of Davis. Following the usual three readings in the Assembly and the Council, the bill was passed on April 10 and approved by Governor Gabriel Johnston on the 14th.

Under the provisions of this act James Davis was to be paid a yearly salary of £160, proclamation money, for a period of five years. For his part Davis was required to reside in New Bern, and "to print with the same Type or Letter with which his Petition now laid before this House is printed at every Sessions of assembly in this Province the Speeches and addresses at the Opening of Each Session, Also the Journals and proceedings of the House of Burgesses and Deliver Copys thereof to Each Member who shall attend at such Session, and shall also as soon as the same can or may be done, print all such Laws as shall be passed at each Sessions and Shall Transmitt one Copy of them to his excellency the Governor, and One to Each Member of His Majesty's Hon:ble Council, and also one copy to Each Member of the General Assembly in the several Counties in this Province, One Copy to each of the Clerks of the Houses of Assembly for the use of the said assembly, One Copy to the Clerk of the General Court for the use of the said Court, One Copy to the Clerk of Each respective County Court in this province for the use of such Court, and also One Copy to each and Every Justice of the Several Counties



within this Province, not Exceeding Twelve Copys to be Sent to the said Justices of any One County and Supply such Copys of the said Journals and Laws as shall or may be necessary to be transmitted from this Province to the Board or Offices in England as usual, And also shall print and transmitt to the proper places the Publick proclamations and all other Acts of Government."

A tax of four pence, proclamation money, was levied for five years "on each and every Taxable Person within the Province" as a means of raising funds for the salary of the new printer. Davis came to New Bern and by June 24, 1749, had set up his press at the foot of Broad Street near the Neuse River. On October 17 the Assembly authorized advance payment of Davis' salary for half a year which was due to him on December 25.

It would be interesting indeed to know where Davis obtained his press and type, but the few records of the establishment of his press in North Carolina make no mention of that aspect of his business. A careful and close examination of his printed works, however, presents some very interesting evidence as to the source of his type. The two type designs which decorate the title page of Davis' first work appear as the tailpiece of *A Charge to the Grand Jury*, the earliest extant Virginia imprint, which was printed at Williamsburg in 1730 by William Parks, at whose press Davis is believed later to have worked. Scrutinizing the individual letters not only of this Parks imprint but of others, notably *Typographia. An Ode on Printing* (Williamsburg, 1730), and comparing them, letter for letter, with Davis imprints, one readily sees a most striking similarity. At first thought it might be said that Davis used the same type that Parks had used, but for such a statement more evidence than an apparent similarity of type must be marshalled. On April 1, 1750, less than a year after Davis moved to North Carolina, Parks, who was en route to England on business, died aboard ship. The Parks press at Williamsburg continued to operate, however, under the direction of William Hunter. Early Hunter imprints, especially *The Journal of Major George Washington* which appeared in 1754 and *A Letter to the Clergy of Virginia* (1760), when subjected to the same letter for letter scrutiny as the Parks-Davis imprints, make apparent certain differences in type. This lends weight to our theory that Davis used the same type as Parks. Perhaps Parks purchased a new supply of type and sold all or part of his old fonts to Davis.

But since such speculation cannot be conclusive, where else might Davis have obtained his type? Although Christopher Sower seems to have cast some type about 1735, it was not until twenty years after Davis came to North Carolina that Abel Buell of Connecticut cast type in any quantity. Davis' type, then, whether or not he obtained it through Parks, must have come from outside the colonies. The type bears strong resemblance even in some of the minute details to that cast in England by William Caslon and presented to the public in his first specimen sheet issued in 1734. But 1734 was four years later than Parks' first imprint which, as has been pointed out, was printed from type which appears to be the same as that used by Davis. This, then, would seem to rule out Caslon's type unless Davis filled in with Caslon type for those fonts which Parks did not dispose of, if, indeed, that is what

Parks did. Parks' type is believed by those who have studied his work to have been cast, probably in England, from matrices made in one of the Low Countries where the art of type designing was highly developed. It was after this Dutch-made type that Caslon fashioned his own now-famous type. This array of evidence, if evidence it is, seems to indicate that Davis used type which had been designed in the Low Countries, at least in part, and which probably had been used previously by William Parks.

### THE FIRST BOOK

In the beginning Davis may have done some minor work for the Assembly and the governor, such as proclamations or public notices and bills of credit, though sufficient evidence of this is wanting. *The Journal of the House of Burgesses, of the Province of North-Carolina*, bearing the imprint "Newbern: Printed and Sold by James Davis, M,DCC,XLIX" is the earliest known product of his press. This *Journal*, covering the proceedings of the House of Burgesses for the period between September 26 and October 18, 1749, is interesting for its appearance as well as for its contents.

As a designer of the printed page Davis excelled. The title page of the *Journal*, while long and detailed by modern standards, is beautifully simple and pleasingly arranged by any standard. Considering the limited fonts of type which Davis had at his disposal he succeeded amazingly well in setting up an attractive title page and neat and easily read pages of text. In size each page measures approximately 8¼ by 12¼ inches (18 x 31 cm.).

Davis' use of ornaments, in this case on the title page and as a tailpiece, is thoroughly agreeable and in line with the general practice of his day. Both of the designs used in this publication appear at later dates in other works by Davis.

Until this *Journal* was published the laws and other public matter in North Carolina had generally been distributed in handwritten copies. With this printed *Journal* the force of habit, or perhaps the impulse to be efficient and accurate or to carry out his duties to the letter of the law, caused William Herritage, clerk of the House of Burgesses, to add the words "True Copy" above his signature at the bottom of the last page. On each page nearest the center break he placed a short vertical line to indicate, no doubt, that it had been read and approved, or read and corrected as on page 3 where Davis printed 1748 instead of 1749. This practice leads one to wonder whether Davis prepared proof sheets, while the apparent absence of other errors leads to the speculation that he did submit them or else was a very careful typesetter.

It was at this session of the General Assembly in 1749 that the work of Swann in revising and collecting the laws of North Carolina was approved. From October 2 to the 9th a committee studied his work and at last resolved that "the said Laws so Revised be Printed, by the Commissioners appointed for that Purpose." But it was not until 1751 that Davis completed this job. In the meantime he had printed at least two other *Journals*, those for the sessions of July 5-10, 1750, and September 26-October 12, 1751, in addition to the first, the 1749 *Journal*.



For a great many years these early *Journals* were unknown, and it was believed that "Swann's *Revisal*," as this early collection of laws is familiarly known, was the first book printed in North Carolina. Only one copy—in the Public Record Office, London—is known of each of the *Journals* which preceded the *Revisal*.

### JAMES DAVIS' CAREER

There are two aspects of Davis' career: first as a printer of official matter and selections of his own choice, and second as a private citizen playing a part in the civil and political life of North Carolina.

PUBLIC        Davis' career as public printer was not without its rough spots. The  
PRINTER       publication in 1751 of *A Collection of All the Public Acts of Assembly, of The Province of North-Carolina: Now in Force and Use*, which Swann had prepared, was the beginning of a series of "revisals" of the law, some of which were issued as a phase of his official duties but most of which resulted from work undertaken by Davis on his own initiative. The year following the first appearance of Swann's *Revisal* a new issue was printed with the laws of 1752 added. This was the final revisal printed as a result of official instructions. In the years that followed neither the governor nor the Assembly was able to direct the preparation of a new edition, but in 1764 Davis published, as a private undertaking, a volume containing all laws enacted since the original revisal of 1751, and the next year printed *A Collection of All the Acts of Assembly, of the Province of North Carolina, Now in Force and Use Together with the Titles of all such Laws as are Obsolete, Expired or Repealed*. By 1769 Davis was preparing still another revisal which he expected to have ready for sale in the autumn of that year. A great storm on September 7, however, swept away the manuscript and destroyed his printing shop. "Davis's house," wrote one of his contemporaries, "is a mere wreck, his printing office broke to pieces, his papers destroyed and the types buried in the sand, his desk, stove and what money he had with his private papers entirely destroyed." As a result of this catastrophe Davis' third and final revision of the laws of North Carolina did not reach the public until 1773. With these words it was dedicated to Governor Josiah Martin: "I am well convinced, Sir, of my poor abilities to encounter a task of this arduous Nature, but seeing no abler Hand to undertake it . . . I have again embarked in the Service of my Country."

Besides the four revisals, of which three were entirely his own work, Davis has to his credit the printing of practically all documents of a public nature issued by the colony and state of North Carolina between 1749 and 1782. In spite of his apparent diligence, however, his term of office was not entirely without conflict, and several times he was almost discharged from his post as public printer.

In 1752 the Assembly ordered Davis to appear and answer for his neglect in sending copies of the printed laws and journals to the counties as required by law. He informed the Assembly that he had printed and delivered the journals, speeches, and addresses of every session, and that the laws had been sent to the counties, "though not by an express messenger therefore he can't pretend that they have re-

ceived them." His small salary, he pointed out, was not adequate to enable him to hire special messengers. The House, nevertheless, moved to reprimand him for neglect of duty, but in 1754 decided to continue him in office without change of salary or duties from the specifications set forth in 1749. His appointment was again renewed in 1757 and in 1760. In 1762 it was suggested that Alexander Purdie be appointed in his stead, but the proposal was rejected and Davis was continued in office.

Dissatisfaction over Davis' want of application to the official tasks at hand seems to have reached a peak in 1764, and probably with just cause. It was in that year that his first revisal of the laws was printed, a project which offered extra remuneration over and above his salary as official printer. During that same year he also launched a number of other publications which must have left him very little time for attention to official routine. In all fairness, however, it must be noted that the publications prepared by Davis, even though they added to his personal gain, were designed to fulfill his duty to the public.

"I can never approve of the late Printer appointed by the Assembly," Governor Arthur Dobbs said at this time, "upon Account of His negligence in not Printing the Laws, Journals and other Public Orders or dispersing them in proper numbers for the use of the Province and Consequently [he] deserves no favour. I must therefore recommend it to the Assembly to appoint a Sum to encourage a Printer to Reside where he can attend the Government and Assembly and do his duty to the Public and not barely Consider his own Profit and Conveniency."

The governor took it upon himself to appoint Andrew Steuart to be "His Majesty's Printer," but he failed to reckon with the will of the House. Members of that body immediately protested the use of so high-sounding a title in North Carolina as "His Majesty's Printer," and within two days reappointed Davis at an increased salary of £200 a year. At the same time, however, Andrew Steuart was voted £100 for his trouble and expense in coming to North Carolina.

For a time North Carolina had two provincial printers and although the controversy continued well into 1765 it was Davis who had the support of the House and consequently received the salary. Steuart continued as a private printer in Wilmington until his death there in 1769.

A measure enacted in November, 1766, named Davis public printer for a term of three years at an annual salary of £250. He was reappointed in 1769, 1771, and 1773, and in 1774 for a term of one year only, but he seems to have held the post at least until 1776.

After the adoption of the first state constitution in December, 1776, the Assembly the following April appointed John Pinkney printer to the state. "The Assembly," Governor Richard Caswell later wrote, "thought proper to remove an old servant (the printer) for neglect of duty and appoint one who resided in Virginia, who after long delay removed to Halifax about 5 or 6 weeks ago, where he died. His place can not be supplied till the meeting of the Assembly, and to attempt getting the Laws transcribed and sent to the different Counties in manuscript, would



be needless, as it could not possibly be effected before the sitting of the Assembly, and of course would be attended with very considerable expence, which might not be approved by that Hon'ble Body. . . . I have not been supplied myself, depending on the printer, and have really been at a loss many times how to conduct myself for want of them." After the death of Pinkney in August, Davis resumed the official printing at his own expense. In November his faithfulness was rewarded when the Assembly again resolved to appoint him public printer, this time at a salary of £500 a year.

With the decline in value of the currency during the late years of the Revolution, Davis' salary was raised several times. In 1778 it was increased to £1200, and the following year to £2500, although those figures represented only a meager income considering the low value of the money. At one time Davis reported that he was under "an absolute necessity of resigning the business," but by special request and with the promise of extra pay he agreed to remain. In 1781 his salary was reduced, but made payable in the more valuable specie, and, too, the state agreed to bear the cost of the paper needed in printing the laws. The problem of delivering the publications still plagued Davis so persistently that he asked the clerks of the courts to send for copies of the laws at the expense of the counties.

These numerous difficulties, together with advancing age, probably were the leading causes for Davis' decision in 1782 to retire from the office of public printer and to allow his son to succeed him.

PRIVATE        During the thirty-three years when he had been public printer,  
PRINTING        Davis had also engaged in numerous private ventures, some of which, surely, were responsible for the many complaints lodged against him by the governors and the Assembly during that time. Of course the various revisals of the laws which Davis prepared and printed himself had something of the character of a private undertaking about them, but at the same time they were public business and in better times and under more favorable conditions would have been undertaken at public expense.

Apparently Davis' first purely private publication appeared in 1753. This, incidentally, is believed to be the first book compiled by a native of North Carolina. It was written by the Rev. Clement Hall, rector of St. Paul's Church in Edenton, and entitled *A Collection of many Christian Experiences, Sentences, and several Places of Scripture Improved*. Among other works published by Davis were several sermons, political essays, textbooks, a popular law book, and reprints of half a dozen, or so out-of-state publications, mainly political in nature. All in all there are nearly a hundred titles bearing the mark of Davis' press and it is entirely possible, of course, that there were others of which nothing is now known.

## THE FIRST NEWSPAPER

To James Davis also belongs the honor of establishing the first newspaper in the colony of North Carolina, a weekly publication called *The North Carolina Gazette*. The oldest recorded copy of this paper is number 15, dated November 15,

1751, and by using that date as a basis for computation the probable date of the first issue can be fixed as August 9, 1751. Davis continued this newspaper at least until 1759 and perhaps even longer. In 1764, the year in which his own first revision of the laws appeared and also the year when Andrew Steuart was appointed by the governor to be printer, Davis began his second newspaper, *The North-Carolina Magazine; or, Universal Intelligencer*. This publication continued probably until 1768. On May 27 of that year the newspaper began to appear under the old title, *The North-Carolina Gazette*, and it seems to have continued with that title until late in 1778 when it apparently was suspended. Davis had reported on November 2 that his son Thomas, his chief assistant in the printing office, had been drafted for military service and that without his aid it would be impossible to carry on the newspaper. In spite of the change of name and the irregular publication, it is believed that Davis may have published a newspaper more or less continuously from 1751 until 1778. Except for the last year, which is fairly complete, only scattered numbers of the various volumes have survived and the complete story of the early years of the fourth estate in North Carolina is still unknown.

PRIVATE        As a private citizen James Davis played no small role in the affairs of  
CITIZEN        state during the unsettled years leading up to and during the Revolution. One of his first public positions, aside from his post as printer, was postmaster in New Bern. This appointment came in 1755, when Benjamin Franklin was deputy postmaster general for the American colonies. It may have been this connection with Franklin, or the earlier association of Parks and Franklin at Williamsburg when Davis was there, which led early writers on the life and works of Davis to assert that he learned his trade from Franklin. A cursory examination of the Franklin papers now in the library of the American Philosophical Society in Philadelphia reveals nothing which would indicate that Davis studied or served an apprenticeship under Franklin. He did, however, on at least one occasion purchase some supplies from Franklin. It was also in 1755 that Davis entered into a contract to carry the mails from Suffolk, Virginia, to Wilmington, an undertaking which he continued for at least three years.

In 1754 Davis had been elected to represent New Bern, one of the colony's borough towns, in the Assembly, but as he was then sheriff of Craven County, he was declared ineligible. The following year he was again elected and represented New Bern in the Assembly until January, 1760, when he was chosen to represent the county of Craven for a year. In 1766 he was one of eleven commissioners appointed to lay out and oversee the construction of the Clubfoot and Harlow's Creek canal. During the ten years following 1768 he was five times chosen one of the justices of the peace for Craven County, an important position, since the justices were largely instrumental in conducting the affairs of the county.

The movement for independence also received Davis' support. His signature was the first on a proclamation calling for a meeting of the Friends of American Liberty in Craven County in 1774 to consider "the present alarming state of British America and the late Acts of Parliament." He was a member of the Safety Com-

mittee in New Bern and in 1775 was appointed one of eight commissioners for Port Beaufort, which included New Bern, whose duty it was to fit out immediately an armed vessel to help protect the trade of that region. In the Provincial Congress which met at New Bern in April, 1775, and in the one at Hillsboro in August, Davis represented New Bern. At the second of these he was chosen a member of a committee to prepare "a plan for the regulation of the Internal peace, order and safety of this Province." In 1776 Davis was one of three commissioners appointed for New Bern to supervise the collection and exportation of certain goods and supplies necessary for shipment abroad to secure funds for purchasing salt, arms, and ammunition. In 1777 he was a judge of the court for the New Bern district and earlier in the same year had been appointed one of four Court of Admiralty judges for Port Beaufort. Finally, to climax his career, James Davis was elected a member of the Council of State in 1780 and served until 1781.

It was during the next year that Davis turned over his printing business to his son. As the beginning of Davis' life is obscure, so is the end. His will, probated at the March, 1785, term of court, indicates that he died at New Bern probably in February or March of that year, having accumulated large holdings both in land and slaves.

By the time of Davis' death the press was firmly established in North Carolina as a very necessary institution. It was largely due to his persistence that it had survived many severe tests during the period before the Revolution. By the end of the century there were presses as far west as Salisbury and Lincolnton, then near the State's western frontier, and altogether North Carolina could count more than thirty printers who had been at work in her nine leading towns at one time or another during the fifty years following the establishment of Davis' first press.





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*The*  
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HOUSE OF BURGESSES





THE  
JOURNAL  
OF THE  
HOUSE of BURGESSES,  
OF THE  
Province of *NORTH-CAROLINA*:

At a General A S S E M B L Y, begun and held at *Newbern*, the Twelfth Day of *June*; in the Nineteenth Year of the Reign of our Sovereign Lord *G E O R G E* the Second, by the Grace of God, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Forty Six; and from thence continued, by several Prorogations, to the Twenty Sixth Day of *September*, in the Year of our Lord One Thousand Seven Hundred and Forty Nine, in the Twenty Second Year of His said Majesty's Reign: Being the Seventh Session of this present General Assembly.

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*N E W B E R N*:

Printed and Sold by JAMES DAVIS, M,DCC,XLIX.



( 3 )

THE  
JOURNAL  
OF THE  
HOUSE of BURGESSES.

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*Tuesday, September 26, 1749.*

**T**HE Writ for Electing a Member to serve in this present General Assembly for *Beaufort* County, in the Room of Mr. *Benjamin Peyton*, one of the Members for the said County, deceased, was returned, a Certificate whereof was laid before this House by the Clerk of the Crown; by which it appeared, that Mr. *Wyriot Ormond* was elected a Member for the said County, in the Room of the said Mr. *Benjamin Peyton*, deceased: Pursuant thereto, the said Mr. *Ormond* appeared, took the Oaths by Law appointed for his Qualification, subscribed the Test, and took his Seat in the House accordingly.

And then the House adjourn'd till To-morrow Morning Ten o'Clock.

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*Wednesday, September 27, 1749.*

**T**HE House met, according to Adjournment. His Excellency the Governor was pleased to Prorogue this Assembly, until *Thursday* the 28th Instant; to be then held at *Newbern*.

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*Thursday, September 28, 1749.*

**H**IS Excellency was pleased to Prorogue this Assembly until *Monday*, the Second Day of *October*; to be then held at *Newbern*.

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*Monday, October 2, 1748. 1749.*

**T**HE House met, according to Prorogation.

*Ordered*, That the Clerk bring into this House the Revised Laws, which were laid before them the last Session of Assembly, by the Commissioners appointed to Revise the same. And they were laid before the House accordingly.

Mr. *Starkey* moved, That a Committee be appointed to examine the Revival of the said Laws, and make Report thereof to this House; and that a Message be sent to His Majesty's Honourable Council, to appoint such Members of their Board as they shall think proper, to join the Committee of this House, for examining the said Revival.

*Resolved*, That Mr. *Swann*, Mr. *Starkey*, Mr. *Lovick*, Mr. *McLewean*, Mr. *Marsden*, Mr. *Bartram*, Mr. *Herring*, Mr. *Haywood*, Mr. *Jones*, Mr. *Dawson*, and Mr. *Carruthers*, be appointed a Committee of this House, to examine the said Revival, and report the same thereto. And they are appointed accordingly.

Sent



Sent the following Message to His Majesty's Honourable Council, viz.

*Gentlemen of His Majesty's Honourable Council,*

• We have appointed Mr. John Swann, Mr. Starkey, Mr. Lovick, Mr. McLewen, Mr. Marsden, Mr. Bartram, Mr. Herring, Mr. Haywood, Mr. Jones, Mr. Dawson, and Mr. Curruthers, a Committee, to examine the Revival of the Laws now in Force in this Province, (which were laid before this House last Session of Assembly,) in Conjunction with such of your Board as you shall think proper to appoint.

By Order, S. Swann, Speaker.

Sent the above Message by Mr. Dawson, and Mr. Haywood.

Received the following Message from the Council, viz.

*Mr. Speaker, and Gentlemen,*

• In Answer to your Message by Mr. Dawson and Mr. Haywood, we think no Number less than our whole House, will be sufficient for the Purpose you mention, as we consist, at present, only of Five Members; we shall all therefore meet your Committee at the Council Chamber, as soon as you think fit.

By Order of the Upper House, R. Lovett, Clerk.

And then the House adjourn'd till To-morrow Morning Eight-o'Clock.

*Tuesday, October 3, 1749.*

**T**HE House met, according to Adjournment.

Mr. Haywood moved, That the House adjourn till To-morrow Morning Nine o'Clock, that the Members appointed of the Committee to examine the Revival of the Laws now in Force, may join those of the Committee of the Council, appointed by that Board for the same Purpose: Which was agreed to, *Nem. Con.*

*Ordered,* That the House adjourn accordingly.

*Wednesday, October 4, 1749.*

**T**HE House met, according to Adjournment.

Mr. Swann moved, That the House adjourn till To-morrow Morning Nine o'Clock, that the Committee appointed to examine the revised Laws now in Force, may join those of the Council, appointed by that Board for the same Purpose: Which was agreed to, *Nem. Con.*

*Ordered,* That the House adjourn accordingly.

*Thursday, October 5, 1749.*

**T**HE House met, according to Adjournment.

Mr. Swann moved, That the House adjourn till To-morrow Morning Nine o'Clock, that the Committee appointed to examine the revised Laws now in Force, may join those of the Council, appointed by that Board for the same Purpose: Which was agreed to, *Nem. Con.*

*Ordered,* That the House adjourn accordingly.

*Friday, October 6, 1749.*

**T**HE House met, according to Adjournment.

Mr. Sampson moved, That the House adjourn till To-morrow Morning Nine o'Clock, that the Committee appointed to examine the revised Laws now in Force, may join

join those of the Council, appointed by that Board for the same Purpose: Which was agreed to, *Nem. Con.*  
*Ordered*, That the House adjourn accordingly.

*Saturday, October 7, 1749.*

**T**HE House met, according to Adjournment: And then adjourned till *Monday Morning Ten o'Clock.*

*Monday, October 9, 1749.*

**T**HE House met, according to Adjournment.

Reported, by the Committee appointed to examine the revised Laws now in Force in this Province, That they had diligently examined and compared the same with the Originals; and produced the said Revision to the House, for their Approbation.

The House approved thereof.

*Resolved*, That the said Laws so Revised be Printed, by the Commissioners appointed for that Purpose.

Mr. *Swann* moved, That a Committee be appointed to settle and allow Public Claims, &c. and the following Persons were accordingly appointed, *viz.* Mr. *Swann*, Mr. *Lovick*, Mr. *Dawson*, Mr. *Starkey*, and Mr. *Haywood*.

Sent the following Message to the Council, *viz.*

*Gentlemen of His Majesty's Honourable Council,*

' We have appointed Mr. *Swann*, Mr. *Lovick*, Mr. *Dawson*, Mr. *Starkey*, and Mr. *Haywood*, a Committee of this House, on the Public Claims, to join such of your Board as you shall think fit to appoint.'

By Order, *S. Swann*, Speaker.

Mr. *Swann* moved for Leave to bring in a Bill, To put in Force in this Province, the several Statutes of the Kingdom of *England*, or *South-Britain*, therein particularly mentioned.

*Ordered*, That he have Leave, and that he prepare and bring in the same.

Mr. *Sampson* moved for Leave to bring in a Bill, To erect the Upper Part of *New-Hanover* County into a County and Parish, by the Name of *Donegall* County, and Parish of *Faun*, and for appointing a Place for building a Court-house, Prison, and Stocks, in the said County; and also, for dividing *Bladen* County, and erecting the *Western* Part thereof into a separate County and Parish, by the Name of *Anson* County, and *St. George's* Parish.

*Ordered*, That he have Leave, and that he prepare and bring in the same.

Mr. *Starkey* moved for Leave to bring in a Bill, To enable the Justices of the several Counties to provide certain Law Books, for the Use of their County Courts; and also, a Bill, For the Relief of the Poor, and to restrain Vagrants.

*Ordered*, That he have Leave, and that he prepare and bring in the same.

The House adjourn'd till Two o'Clock in the Afternoon.

P. M.

The House met, according to Adjournment.

Mr. *Swann* brought in a Bill, To put in Force in this Province, the several Statutes of the Kingdom of *England*, or *South-Britain*, therein particularly mentioned; which he read in his Place.

*Ordered*, That the same do pass, and be sent to the Council.

Mr. *Sampson* brought in a Bill, To divide the Upper Part of *New-Hanover* County, &c. which he read in his Place.

*Ordered*, That the same do pass, and be sent to the Council.

B

Mr.



Mr. Starkey brought in the following Bills, viz. A Bill, to enable Justices to provide certain Law Books, &c. and the Bill, For the Relief of the Poor, &c. which he read in his Place.

Ordered, That the same do pass, and be sent to the Council.

Sent the above Four Bills to the Council, by Mr. Swann and Mr. Sampson.

And then the House adjourn'd till To-morrow Morning Nine o'Clock.

Tuesday, October 10, 1749.

THE House met, according to Adjournment.

Received from the Council the following Message, viz.

Mr. Speaker, and Gentlemen,

In Answer to your Message relating to a Committee of Claims, this House have appointed Matthew Rowan and James Hazell, Esqrs. a Committee, to join yours on that Service.

By Order of the Upper House, R. Lovett, Clerk.

And also the following Bills, viz. A Bill, to put in Force in this Province, the several Statutes of the Kingdom of England, or South-Britain, &c.

A Bill, to divide the Upper Part of New-Hanover County, &c.

A Bill, to enable the Justices of the several Counties to provide certain Law Books, &c.

And the Bill, for the Relief of the Poor, &c.

Endorsed, October 10, 1749, in the Upper House, read the first Time, and passed. By Order, R. Lovett, Cl<sup>k</sup>.

And then the House adjourn'd till To-morrow Morning Nine o'Clock.

Wednesday, October 11, 1749.

THE House met, according to Adjournment: And then adjourn'd till Four o'Clock in the Afternoon.

P. M.

The House met, according to Adjournment.

Mr. Swann moved for Leave to bring in a Bill, to confirm the several Acts of Assembly of this Province therein mentioned, as revised by the Commissioners appointed by an Act of the General Assembly of this Province, intituled, An Act, for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Expence thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.

Ordered, That he have Leave, and that he prepare and bring in the same.

Mr. Swann brought in the said Bill, which he read in his Place.

Ordered, That the same do pass, and be sent to the Council.

Sent the above Bill to the Council, by Mr. Swann and Mr. Starkey.

Mr. Starkey moved for Leave to bring in the following Bills, to wit; A Bill, to revise a Clause in an Act of the General Assembly of this Province, intituled, An Act, to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also, for establishing the Courts of Justice, and regulating the Proceedings therein.

A Bill, for altering, explaining, and continuing an Act, intituled, An Act, for the better regulating the Militia of this Government.

And the Bill, for an additional Act to an Act, intituled, An Act, to provide indifferent Jurymen in all Causes, both Civil and Criminal; and for an Allowance for their Attendance.

Ordered, That he have Leave, and that he prepare and bring in the same.

Mr. Starkey brought in the above Bills, which he read in his Place.

Ordered,



*Ordered,* That the same do pass, and be sent to the Council.

Sent the same to the Council, by Mr. *Swann* and Mr. *Starkey*.

Mr. *Swann* moved for Leave to bring in a Bill, to appoint a Public Treasurer, in the Room of the Honourable *Edward Moseley*, Esq; deceased.

*Ordered,* That he have Leave, and that he prepare and bring in the same.

Mr. *Swann* brought in the above Bill, which he read in his Place.

*Ordered,* That the same do pass, and be sent to the Council.

Sent the above Bill to the Council, by Mr. *Swann* and Mr. *Starkey*.

And then the House adjourn'd till To-morrow Morning Nine o'Clock.

*Thursday, October 12, 1749.*

**T**HE House met, according to Adjournment.

Received the following Message from his Excellency the Governor, *viz.*

*Mr. Speaker, and Gentlemen,*

' I herewith send you an Instruction I have lately received from His Majesty, wherein  
' you will see I am ordered to recommend to the Assembly, to make speedy Provision,  
' in such Manner as you shall think fit, for the defraying the Charge of Surveying cer-  
' tain Lands, granted by His Majesty to the *Palatines* of this Part of the Province: I  
' hope, Gentlemen, you will consider of this Affair, and make such Provision as will a-  
' greeable to His Majesty's gracious Intention signified therein'.

Council Chamber, *October 11, 1749.*

*Gabriel Johnston.*

Read the Bill, to put in Force in this Province, the several Statutes of the Kingdom of *England*, or *South-Britain*, &c. the second Time, and passed, with Amendments.

*Ordered,* That the same do pass, and be sent to the Council.

Sent the above Bills to the Council, by Mr. *Marsden* and Mr. *Clark*.

Read the Bill, for erecting the upper Part of *New-Hanover* County into a County and Parish, &c. the second Time, and passed, with Amendments.

*Ordered,* That the same be sent to the Council.

Sent the above Bill to the Council, by Mr. *Sampson* and Mr. *McLewean*.

Read the Bill, for the Relief of the Poor, &c. the second Time, with Amendments.

And the Bill, to enable the Justices of the several Counties to provide certain Law Books, for the Use of their Counties, the second Time.

*Ordered,* That the said Bills do pass, and be sent to the Council.

Sent the said Bills to the Council, by Mr. *Starkey* and Mr. *Haywood*.

Received the following Bills from the Council, *viz.* The Bill, to confirm the several Acts of Assembly of this Province therein mentioned, as revised by the Commissioners appointed to revise the same: And the Bill, for an additional Act to an Act, intituled, An Act, to provide indifferent Jurymen in all Causes, both Civil and Criminal, and for an Allowance for their Attendance: And the Bill, for altering, explaining, and continuing the Act, for the better regulating the Militia of this Government: And the Bill, to revive a Clause in an Act of the General Assembly, intituled, An Act, to fix a Place for the Seat of Government, &c. And the Bill, to appoint a Public Treasurer, &c.

Endorsed, *Oct. 12, 1749.* In the Upper House, read the first Time, and passed. By Order, *R. Lovett, Cl'*

Sent the following Message to his Excellency the Governor:

*May it please your Excellency,*

' We received your Excellency's Message this Day, wherein you recommend to us  
' to make speedy Provision for defraying the Expence of laying out the Lands for the  
' *Palatines*, in His Majesty's Royal Instruction to your Excellency mentioned, the which  
' you were pleased, at the same Time, to lay before us: As it is an Affair that will re-  
' quire some Time for Consideration, and we having been a long Time already from our  
' several Homes, we therefore hope your Excellency will keep us no longer than while  
' we can go through with the Laws, now under our Consideration, for the expediting  
' the Printing the Body of the Laws of this Province, a Work of great Consequence  
' to



to the Public ; we must therefore beg Leave to post-pone the Consideration of the said Instruction, and your Excellency's Message thereon, till the next Session of Assembly.  
By Order, *S. Swann*, Speaker.

Received from the Council, the Bill, to put in Force in this Province, the several Statutes of the Kingdom of *England*, or *South-Britain*, &c.

Endorsed, *Oct. 12, 1749*. In the Upper House, read the second Time, and passed, with Amendments. By Order, *R. Lovett*, Cl.  
The House adjourn'd till Three o'Clock in the Afternoon.

P. M.

The House met according to Adjournment.

Read the second Time the Bill, to confirm the several Acts of Assembly of this Province, therein mentioned ; and passed, with Amendments.

*Ordered*, That the same be sent to the Council.

Sent the said Bill to the Council.

Received from the Council the following Bills, *viz.* The Bill, to divide the Upper Part of *New-Hanover* County, into a County and Parish, &c. and the Bill, to enable the Justices of the several Counties to provide certain Law Books, &c.

Endorsed, *Oct. 12, 1749*. In the Upper House, read the second Time, and Rejected. By Order, *R. Lovett*, Cl.

And the Bill, for the Relief of the Poor, and to restrain Vagrants :

Endorsed, *Oct. 12, 1749*. In the Upper House, read the second Time, and Rejected, *Nem. Con.* By Order, *R. Lovett*, Cl.

Read the second Time, the Bill, to confirm the several Acts of Assembly of this Province, therein particularly mentioned ; which passed, with Amendments.

*Ordered*, That the same be sent to the Council.

Read the second Time, the Bill, for an additional Act, to an Act, *intituled*, An Act, to provide indifferent Jurymen in all Causes, both Civil and Criminal, &c. which passed.

*Ordered*, That the same be sent to the Council.

Read the second Time, the Bill, to revise a Clause in an Act, *intituled*, An Act, to fix a Place for the Seat of Government, &c. which passed.

*Ordered*, That the same be sent to the Council.

Read the second Time, the Bill, for altering, explaining, and continuing an Act, *intituled*, An Act, for the better regulating the Militia of this Government ; which passed.

*Ordered*, That the same be sent to the Council.

Read the second Time, the Bill, to appoint a Public Treasurer, in the Room of the Honourable *Edward Moseley*, Esq; deceased ; which passed.

*Ordered*, That the same be sent to the Council.

Sent the abovesaid five Bills to the Council, by Mr. *Starkey* and Mr. *Swann*.

And then the House adjourn'd till To-morrow Morning Nine o'Clock.

*Friday, October 13, 1749.*

THE House met, according to Adjournment.

Read the third Time, the Bill, to put in Force in this Province, the several Statutes of the Kingdom of *England*, or *South-Britain*, &c. which passed.

*Ordered*, That the same be sent to the Council.

Sent the said Bill to the Council, by Mr. *Swann* and Mr. *Starkey*.

Received the following Bills from the Council, *viz.* The Bill, to confirm the several Acts of Assembly of this Province, therein mentioned : The Bill, to revive a Clause in an Act of the General Assembly, *intituled*, An Act, to fix a Place for the Seat of Government, &c. The Bill, to appoint a Public Treasurer, in the Room of the Honourable *Edward Moseley*, Esq; deceased : The Bill, for altering, explaining, and continuing an Act, *intituled*, An Act, for the better regulating the Militia of this Government :

Endorsed, *Oct. 13, 1749*. In the Upper House, read the second Time, and passed. By Order, *R. Lovett*, Clerk.

And



And the Bill, for an additional Act to an Act, *intituled*, An Act, to provide indifferent Jurymen in all Causes, both Civil and Criminal, &c.

Endorsed, *Oct.* 13, 1749. In the Upper House, read the second Time, and passed, with Amendments. By Order, *R. Lovett*, Cl.  
The House adjourn'd till Three o'Clock in the Afternoon.

P. M.

The House met according to Adjournment.

Read the third Time, the Bill, for altering, explaining, and continuing an Act, *intituled*, An Act, for the better regulating the Militia of this Government; which passed.

*Ordered*, That the same be sent to the Council.

Read the third Time, the Bill, to revive a Clause in an Act, *intituled*, An Act, to fix a Place for the Seat of Government, &c. which passed.

*Ordered*, That the same be sent to the Council.

Read the third Time, the Bill, to appoint a Public Treasurer, in the Room of the Honourable *Edward Moseley*, Esq. deceased; which passed.

*Ordered*, That the same be sent to the Council.

Read the third Time, the Bill, for an additional Act, to an Act, *intituled*, An Act, to provide indifferent Jurymen in all Causes, both Civil and Criminal, &c. which passed.

*Ordered*, That the same be sent to the Council.

Sent the above said four Bills to the Council, by Mr. *Sampson* and Mr. *Haywood*.

Mr. *John Swann* informed the House, That there was a Mistake in the Sum given him out of the Public Chest, by this Assembly the last Session, to pay the Expence of the Expedition at the Invasion of the *Spaniards* at *Cape-Fear*, of Ninety Pounds, Proclamation Money, over and above the Sum ordered to be paid to the several Persons on the said Expedition; which said Sum is now paid by the said *John Swann* into this House, and lodged in the Hands of the Commissioners for Stamping and Emitting the Sum of Twenty One Thousand Three Hundred and Fifty Pounds, Proclamation Money, and by them ordered to be deposited in the Chest with other Public Monies.

And then the House adjourn'd till To-morrow Morning Nine o'Clock.

Saturday, October 14, 1749.

THE House met, according to Adjournment.

Read the third Time the Bill, to confirm the several Acts of Assembly of this Province, therein mentioned; and passed, with Amendments.

*Ordered*, That the same be sent to the Council.

Sent the said Bill to the Council.

Received the following Bills from the Council, *vizi*: The Bill, to revive a Clause in an Act of the General Assembly, *intituled*, An Act, to fix a Place for the Seat of Government, &c. The Bill, for an additional Act to an Act, *intituled*, An Act, to provide indifferent Jurymen in all Causes, both Civil and Criminal, and for an Allowance for their Attendance: The Bill, for altering, explaining, and continuing an Act, *intituled*, An Act, for the better regulating the Militia of this Government: The Bill, to appoint a Public Treasurer, in the Room of the Honourable *Edward Moseley*, Esq. deceased:

Endorsed, *Oct.* 14, 1749. In the Upper House, read the third Time, and passed.

*Ordered*, That the same be sent down and ingrossed.

By Order, *R. Lovett*, Clerk.

And then the House adjourn'd till Monday Morning Nine o'Clock.



Monday, October 16, 1749.

THE House met, according to Adjournment.

Sent the following Message to the Council, viz.

*Gentlemen of His Majesty's Honourable Council,*

' We have appointed Mr. *Starkey* and Mr. *Dawson*, a Committee of this House, to examine and compare the Laws passed your Board and the General Assembly this Session, which are Ingrossed, in Conjunction with such of your Board as your Honours shall think fit.'

By Order, *S. Swann*, Speaker.

The House adjourn'd till Two o'Clock in the Afternoon.

P. M.

The House met, according to Adjournment.

His Excellency the Governor sent a Message to this House, commanding their immediate Attendance with what Bills were Ingrossed.

The House, in a full Body, waited on his Excellency the Governor in the Council Chamber, and presented to him the following Bills, for his Assent, viz.

The Bill, to put in Force in this Province, the several Statutes of the Kingdom of England, or South-Britain, therein particularly mentioned.

The Bill, to appoint a Public Treasurer, in the Room of the Honourable *Edward Moseley*, Esq; deceased.

The Bill, for altering, explaining, and continuing an Act, intituled, An Act, for the better regulating the Militia of this Government.

The Bill, for an additional Act to an Act, intituled, An Act, to provide indifferent Jurymen in all Causes, both Civil and Criminal, and for an Allowance for their Attendance.

The Bill, to revive a Clause in an Act of the General Assembly of this Province, intituled; An Act, to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also, for establishing the Courts of Justice, and regulating the Proceedings therein.

To all which his Excellency was pleased to assent.

The House returned.

And then the House adjourn'd till To-morrow Morning Nine o'Clock.

Tuesday, October 17, 1749.

THE House met, according to Adjournment.

The Committee of Correspondence having laid before this House the several Letters and other Papers received by them from *James Abercrombie*, Esq; the Agent for this Province in London, for the Consideration of the House, and their further Direction; whereupon, after the said Letters and Papers were maturely considered by the House, they came to the following Resolutions, viz.

*Resolved*, That the said *James Abercrombie*, Esq; have the Thanks of this House, for his Services at the several Boards in England, and his frequent Advices concerning the Affairs of this Province.

*Resolved*, That the said Committee of Correspondence, or the Majority of them, instruct the said Agent diligently to watch all Attempts made for the Repeal of any of the Laws of this Province, and that he use his utmost Endeavours to prevent the same, and get a Confirmation, by His Royal Majesty, of the Act, intituled, An Act, for the better ascertaining the Number of Members to be chosen for the several Counties within this Province to sit in General Assembly, and for establishing a more equal Representative of all His Majesty's Subjects in the House of Burgesses: And the Act, intituled, An Act, to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also, for establishing the Courts of Justice, and regulating the Proceedings therein: And the Act,

*intituled,*



*intituled*, An Act, for forming a Rent-Roll of all the Lands holden in this Province; for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents: And also, an Act, for additional Act to an Act, *intituled*, An Act, for forming a Rent-Roll to His Majesty of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents: And that if in getting the said Laws confirmed, the said Agent shall be at any extraordinary Pains, in his Application for that Purpose, this House, on Notice thereof, will augment his Salary from this Province proportionably to such Service.

*Resolved*, That the said Committee, or a Majority of them, instruct the said Agent to appear, in Behalf of this Province, and join his Endeavours with the Agents of other Provinces under His Majesty's immediate Government, in Respect of the Paper Currency, in Case the Bill concerning the Paper Currency in *America*, should be revived in Parliament.

*Resolved*, That this House will re-imburse the said Agent all the necessary Charges and Disbursements he shall or may be at, in negotiating the Affairs of this Province at the several Boards in *England*, exclusive of his Salary.

*Resolved*, That the Sum of Eighteen Pounds Eighteen Shillings *Sterling Money*, be paid to the said Agent, or his Order, for his Disbursements, from the First Day of *November* 1747, to the First Day of *March*, 1748-9, at the several Boards in *England*, as appears, by his Account transmitted here, to be due to him.

*Resolved*, That a sufficient Sum be paid to the Committee of Correspondence, out of the Public Treasury, and shall be by them remitted to the said Agent, by such Ways and Means as they shall judge most for the Public Interest, and may best enable them to answer to the said Agent his Disbursements due as aforesaid; and also the Remainder of his whole Salary now due, or becoming due, by the Act, *intituled*, An Act, to appoint an Agent to solicit the Affairs of this Province at the several Boards in *England*; and that this House will, at the next Session, take under Consideration the augmenting the Salary of the said Agent.

*Resolved*, That the Committee, or the Majority of them, lay before this House, at their next Session, all such Letters and other Papers as they shall then have received from the said Agent, and also Copies of all such Letters or other Papers as they shall have transmitted to him; and also Accounts of the Money by them remitted to the said Agent.

By-Order, *S. Swann*, Speaker.

*Ordered*, That the said Resolves be sent to the Council.

Sent the same to the Council, by Mr. *Lovick* and Mr. *Bell*.

Received the said Resolves from the Council;

Endorsed, Concurred with, *E. Allen*, Chairman.

Mr. *Starkey*, one of the Commissioners appointed by the Act, for Stamping and Emitting the Sum of Twenty One Thousand Three Hundred and Fifty Pounds, Public Bills of Credit of this Province, at the Rate of Proclamation Money, &c. acquainted this House, That the said Commissioners had exchanged the Sum of Seven Thousand Five Hundred and Ninety Eight Pounds Six Shillings of the Old Money, which he produced to the House, and moved, That the said Old Money might be burnt, at Four o'Clock this Evening, in Presence of the Members of the Council and General Assembly.

*Resolved*, That the said Sum of Seven Thousand Five Hundred and Ninety Eight Pounds Six Shillings, Old Money, be burnt, in Presence of the Members of the Council and General Assembly; and that a Message be sent to the Council to be present at the Burning the same.

Sent the following Message to the Council, by Mr. *Sampson* and Mr. *Clark*, viz.

*Gentlemen of His Majesty's Honourable Council,*

' The Commissioners for exchanging the Old Bills of Credit for those of the New Emission, having produced to this House the Sum of Seven Thousand Five Hundred and Ninety Eight Pounds Six Shillings of the Old Currency, by them exchanged, this House have Resolved, That the same be burnt, at Four o'Clock this Evening, in the Public Street, in the Presence of the Members of his Majesty's Honourable Council and General Assembly, and desire your Honours will be present at the same.'

By Order, *S. Swann*, Speaker.

Received the following Message from the Council, viz.

Mr.



*Mr. Speaker, and Gentlemen,*

This House concur with your Message just now by Mr. Sampson and Mr. Clark, relating to the burning the Bills, and will attend at the Time accordingly.

By-Order of the Upper House, *R. Lovett*, Clerk.

Read the third Time, the Bill, to confirm the several Acts of Assembly of this Province, therein particularly mentioned; which passed.

*Ordered*, That the same be sent to the Council.

Sent the above Bill to the Council, by Mr. Sampson and Mr. Haywood.

On Motion of Mr. Marsden, one of the Commissioners for the Public Buildings at *Wilmington*,

*Resolved*, That the Sum of Nine Pounds Ten Shillings be taken out of the Sum of Two Hundred and Three Pounds Eleven Shillings and Eleven Pence, lodged in the Public Chest last Session by Col. Moseley, late Treasurer, as Part of the Tax for the Public Buildings, and paid to the said Marsden, to be by him applied to the Payment of the Workmen that have finished the Goal at *Wilmington*, it being the Amount of the last Year's Tax for Public Buildings, collected from the County of *Onslow*.

Read the Petition of *James Davis*, Printer, praying that Half a Years Salary may be advanced him at the End of this Session of Assembly, and that for the future he may receive his Salary by half Yearly Payments, &c. which being maturely-considered, the House came to the following Resolution, *viz.*

*Resolved*, That the said *James Davis* be paid, by the Commissioners for Stamping and Emitting the Sum of Twenty One Thousand Three Hundred and Fifty Pounds, Public Bills of Credit, at the Rate of Proclamation Money, &c. out of the Public Treasury, by a Warrant from his Excellency the Governor, to be directed to the said Commissioners, the Sum of Eighty Pounds, Proclamation Money, being half a Years Salary, that will be due to the said *James Davis* the Twenty Fifth Day of *December* next: That the said Sum be re-placed in the said Treasury out of the Tax arising by Virtue of the Act intituled, An Act, for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province; and the Act, to alter and amend an Act, intituled, An Act, for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.

Mr. Starkey moved, That Mr. Samuel Swann should be paid the Sum of One Hundred Pounds, Proclamation Money, out of the Money arising by the Act, intituled, An Act, for appointing Commissioners to Revise and Print the Laws of this Province, &c. for Revising the said Laws; and that he be also paid the further Sum of One Hundred and Thirty Pounds, Proclamation Money, out of the Public Treasury, to enable him to print the said Laws, and such others as have passed since the said Revisal.

*Resolved*, That the Sum of One Hundred Pounds, Proclamation Money, be paid to the said Samuel Swann, out of the Monies arising by Virtue of the said Act, by a Warrant from his Excellency the Governor, for that Purpose, for his Revising the said Laws; and that the further Sum of One Hundred Pounds, Proclamation Money, be paid to the said Samuel Swann, out of the Public Treasury, by a Warrant from his said Excellency the Governor, the better to enable the said Samuel to print the said Laws, and that the remaining or further Sum of Thirty Pounds be paid to the said Samuel, out of the Public Treasury, when he shall have printed the said Laws.

*Resolved*, That the Rev. Mr. John Lappiere be paid, out of the Public Treasury, the Sum of Four Pounds, Proclamation Money, for his several Sermons preached before the General Assembly this Session.

And then the House adjourn'd till To-morrow Morning Nine o'Clock.

*Wednesday, October 18, 1749.*

THE House met, according to Adjournment.

Received from the Council the Bill, to confirm the several Acts of Assembly of this Province therein mentioned, &c.

*Ordered*,



*Ordered*, That the same be Ingrossed.

*R. Lovett, Clerk.*

*Mr. Lovick*, from the Committee of Claims, reported, That the Committee had examined and allowed several Claims, and produced the same to the House.

*Ordered*, That the same be read.

Read the said Report, and the House Concurred therewith.

Sent the same to the Council, for their Concurrence.

*Resolved*, That this House address his Excellency the Governor, That he will be pleased to give Orders to the several Officers, to have all the Records lodged in their respective Offices brought to *Newbern*, agreeable to the Law of this Province, directing, That the several Offices shall be kept at *Newbern*: And further, that he will be pleased to give positive Orders to his Majesty's Attorney-General, to put in Suit all such Sheriffs Bonds, and Bonds entered into by Persons employed in the Receipt of the Public Monies of this Province, and also to prosecute all Persons concerned in the Receipt of Money, on the Penalty for the Breach of the said Acts, or any of them.

*Ordered*, That the Resolves of Yesterday be sent to the Council.

Sent the same by *Mr. Lovick* and *Mr. Bell*.

Received the said Resolves from the Council;

Endorsed, Concurred with, *E. Allen*, Chairman.

Sent the following Message to his Excellency the Governor, *viz.*

*May it please your Excellency,*

This House desires you would be pleased to give strict Orders to the several Officers of this Province, that they have all the Records, lodged in and belonging to their several Offices, brought to *Newbern*, and there deposited, agreeable to Law: And further, that you would be pleased to give strict Orders to his Majesty's Attorney-General, to put in Suit all Bonds entered into by Persons employed in the Receipt of the Public Monies of this Province, who have not accounted for and paid the several Sums by them received for the Use of the Public; and also, to prosecute all Persons concerned in the Receipt of the said Money on the Penalties for the Breach of any the several Acts of Assembly of this Province, directing the collecting, receiving, and paying the said Money.

By Order, *S. Swann*, Speaker.

Received from the Council the Reports of the Committee of Claims;

Endorsed, Concurred with, *E. Allen*, Chairman.

*Resolved*, That the several Claims allowed this Session of Assembly, agreeable to the Report thereof concurred with by his Majesty's Honourable Council and this House; and also the Allowances due to his Majesty's Honourable Council, the Members of this House, and the Clerks, and all other Officers of the said Assembly, be paid out of the Public Treasury.

By Order, *S. Swann*, Speaker.

Sent the above Resolve to the Council, for their Concurrence.

Received the above Resolve from the Council;

Endorsed, Concurred with, *E. Allen*, Chairman.

The House adjourned till Two o'Clock in the Afternoon.

P. M.

The House met, according to Adjournment.

*John Ives*, of *Craven* County, produced a Certificate from *Craven* County Court, thereby certifying, that the said *John Ives* is incapable of Mustering, working on the Public Roads, and paying Taxes.

*Ordered*, That he be exempt from Mustering, working on the Roads, and paying Taxes.

*William War*, of *Northampton* County, produced a Certificate from *Northampton* County Court, thereby certifying, that he is incapable of Mustering, working on the Roads, and paying Taxes.

*Ordered*, That he be exempt from mustering, working on the Roads, and paying Taxes.

*Ezekiel Fuller*, of *Northampton* County, produced a Certificate from *Northampton* County Court, thereby certifying, that he is incapable of doing Public Duties, and paying Public Taxes.

*Ordered*, That he be exempt from doing Public Duties, and paying Public Taxes.

*William Hines*, of *Northampton* County, produced a Certificate from *Northampton* County Court, thereby certifying, that *Joseph Kelly* is incapable of doing Public Duties, and paying Public Taxes.

*Ordered*, That he be exempt from doing Public Duties, and paying Public Taxes.



*George Stringer*, of *Craven County*, produced a Certificate from *Craven County Court*, thereby certifying, that he is incapable of working on the Roads, and doing Public Duties; and that *John Stringer*, his Son, is also incapable of doing Public Duties, and paying Public Taxes.

*Ordered*, That they be exempt accordingly.

His Excellency the Governor sent a Message to the House, commanding their immediate Attendance in the Council Chamber, with what Bills were Ingrossed.

The House, in a full Body, waited on his Excellency the Governor in the Council Chamber, when Mr. Speaker presented, for his Assent, the following Bill, viz.

The Bill, to confirm the several Acts of Assembly of this Province therein mentioned, as revised by the Commissioners appointed by an Act of the General Assembly of this Province, intituled, An Act, for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Expence thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported.

To which his Excellency was pleased to assent: And then made the following Speech.

*Gentlemen of His Majesty's Council, Mr. Speaker, and Gentlemen of the House of Burgesses,*

IT is with great Satisfaction that I now congratulate you on finishing the Revival of your Laws, in order to their being printed: A Work earnestly desir'd by, and zealously struggled for, by every honest Man, for these Fifteen Years by past; but never could be got accomplished till now, by Reason of the violent Opposition and low Intrigues of a restless Set of Men, who will always find their Account in keeping the Country in Ignorance and Confusion.

IT is from this happy Period you may date your having any Laws at all; for when Laws are not duly promulgated, when the Copies of them are hard to come at, and abound with Errors and Mistakes of different Transcribers; such a Situation is really, and in Effect, very little different from being entirely without Laws.

IT must be a vast Pleasure to you, Gentlemen, when you reflect, That Providence has made you Instruments of doing so much Good to your Fellow Subjects, your Country, and Posterity: And I hope that what you have done (tho' it is a great deal more than could have reasonably been expected in so short a Time) is only an Earnest, and small Beginning of what the Public may expect from your future Endeavours. There are many Things, essential to the Happiness and Prosperity of Society, still wanting among Us; I shall only point out Two of them at present: The First is, The Want of a sufficient Provision for maintaining the Publick Service and Worship of Almighty God, in which we are most shamefully, and beyond all other Provinces in His Majesty's Dominions, deficient: And next to that, A Provision for the farther Security of the Estates and Properties of Widows and Orphans. By the First of These, you give a Proof of that Reverence and Regard to the Supreme Governor of the Universe, so justly due to Him from all his rational Creatures, and without whose Aid and Blessing, all your other Endeavours will prove to little Purpose; by the Second, you will have an Opportunity of shewing a becoming Pity and Compassion on the most Feeble and Helpless, and upon that Account, I am afraid, frequently the most injured and oppressed Part of the Human Species.

AFTER so hard and laborious a Session, I do not propose these Matters to your immediate Consideration; but I heartily wish you would consult your Constituents on these Points, and come prepared to enter upon them at your next Meeting: I shall detain you no longer, Gentlemen, only wish you a happy Return to your Families and Plantations.

*Gabriel Johnston.*

And then his Excellency was pleased to Prorogue this Assembly to the Fourth Tuesday in March next; to be then held at *Newbern*.

Mr. Speaker, with the House, returned, and pronounced the Prorogation accordingly.

XX

*True copy William Heronstage Clerk of the House of Burgesses*













